REMARKS

INTRODUCTION:

Claims 1-25 were rejected under 35 U.S.C. § 103.

In accordance with the foregoing, these rejections are respectfully traversed, claim 2 has been cancelled without prejudice or disclaimer, and claims 1, 3-6 and 8-25 have been amended. No new matter has been added.

Claims 1-25 are pending and under consideration.

Reconsideration is requested.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 2, claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 were rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 5,613,109 to Yamauchi et al. ("Yamauchi") in view of U.S. Patent No. 5,175,716 to Min ("Min"), and claims 2, 4, 5,7, 8,13, and 14 were rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 5,613,109 to Yamauchi et al. ("Yamauchi") in view of U.S. Patent No. 5,175,716 to Min ("Min") and further in view of U.S. Patent No. 4,450,535 to de Pommery et al. (de Pommery). These rejections are traversed and reconsideration is requested.

Claims 1-6 and 8-25 have been amended to show more clearly that the present invention teaches time-based access to data, i.e., only allowing access to data for specific time periods. Real time constraints specify the time period within which access to the locked stored data is allowed, and do not simply specify that a particular user has unlimited access to the locked data. For clarity, the remaining amended claims have been amended to change the terminology "effective" to the term "requestable" to elucidate the fact that the present claimed invention sets forth a limited time period during which locked content may be unlocked and accessed by the identified user.

It is respectfully submitted that Yamauchi et al. teaches a data storage medium that "stores two kinds of data in the form of digital data: primary data, or a plurality of element data and management data related to the primary data. One element data are the minimum unit for reproduction, including sound elements, still photograph elements and text elements, and optionally moving-picture elements and animation. The element data are divided into a first data group and a second data group depending on the contents thereof. The management data consists of index data, channel data, and second-data-group reproduction point data. The index

data are used to divide the element data into the first and second data groups. The channel data shows a plurality of reproduction channels of the first data group. The second-data-group reproduction point data shows a set of reproduction points of the second data group within a reproduction channel of the first data group being reproduced." Col. 13, lines 3-18.

"By so doing, the reproduction point of the second data group can be set arbitrarily at any point within the reproduction channel of the data element of the first data group. For this reason, the electronic book editor can fix the point where the advertisement data are displayed in such a way that the element data of the first and second data group can be reproduced continuously." Col. 19, lines 13-19., Yamauchi et al.

Hence, it is respectfully submitted that Yamauchi et al. teaches a data reproduction apparatus that *selectively reproduces the element data of a second data group depending on the contents thereof while the element data of the first data group having a plurality of reproduction channels are being reproduced.* However, Yamauchi et al. does not teach obtaining the use of locked content data by a user for only predetermined requestable time periods.

On the other hand, Min teaches a method for searching for a track in an optical recording/reproducing apparatus by converting a number of tracks to be counted to move an optical head to a desired location to a time value required to reach the desired track according to the velocity of the optical head movement. Thus, Min teaches computing a time interval for moving an optical head rather than a time interval for accessing data, as is taught by the present invention. Applicants do not agree with the Examiner that the process of obtaining a value of time is readable as permitting or allowing access to data for a time period. Obtaining a value of time is readable as giving a single time value that tells a single time at which the optical head will be on a particular track. No period of time (from a first time to a second time) is taught or suggested by determining a single time for locating a desired single track position of an optical head, which is taught by Min. Also, Min fails to teach accessing locked content data. Hence, it is respectfully submitted that Min fails to teach obtaining the use of locked content data by a user for only predetermined requestable time periods.

de Pommery et al. teaches access to locked data *based on whether a particular user access is allowed.* That is, de Pommery et al. fails to teach a time-based limitation on user access to data. It is respectfully submitted that limited time period access to the data, i.e., access that is specifically limited to *a requestable* (effective) *period* of time for access to data is significantly different from a user-access limitation to access data which is based on whether a

particular user access is allowed in an unlimited time fashion, as is taught by de Pommery et al. The present invention teaches a limited time period access that is not an unlimited access specific to a particular user, but rather is selected to provide only a particular time period access.

It is respectfully submitted that there is no teaching or suggestion of combining Yamauchi et al., Min and/or de Pommery et al. Yamauchi et al. teaches co-ordinating a reproduction of a combination of two sets of data. Min teaches using a speed of an optical head to predict where a track is located that has desired data. de Pommery et al. teaches determining whether a user is authorized to access data in general. None of the three references teaches or suggests combining its invention with any or all of the other two inventions to obtain the use of locked content data by a user for only predetermined requestable time periods. Thus, even if the three inventions were combined, the present invention would not be taught.

Hence, it is respectfully submitted that claims 1-25 are not obvious and are distinguished from the art cited by teaching the requestable period of time for accessing locked data only during a predetermined limited time period.

Thus, it is respectfully submitted that amended claims 1-25 are allowable under 35 U.S.C. § 103 in view of U.S. Patent No. 5,613,109 to Yamauchi et al. ("Yamauchi") in view of U.S. Patent No. 5,175,716 to Min ("Min") and further in view of U.S. Patent No. 4,450,535 to de Pommery et al. (de Pommery). Hence, it is respectfully asserted that, in view of the amendment of claims 1-25, the pending claims 1-25 are in allowable form.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Sept 22 2003

By: _____
Mark J. Henry
Registration No. 36,162

1201 New York Avenue NW, Suite 700
Washington, D.C. 20005
(202) 434-1500